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ERICSSON INC.
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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT	PAPER NUMBER
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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,770	Applicant(s) BOBERG ET AL.	
	Examiner CHARLES SHEDRICK	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **1-3 9-12, 15, 18- 21 and 28** are rejected under 35 U.S.C. 102(e) as being anticipated by Karlsson et al. US Patent Pub. No.: 2005/0221807 A1, 'Karlsson', hereinafter.

Consider **claims 1 and 21**, Karlsson teaches a method of providing information to a client from a client access network in the form of user information regarding a plurality of users (**e.g., presence information noted in at least the abstract**), comprising the following steps: - receiving a subscription request from the client for certain information on a set of users (**i.e. , a user initiates a pull down of presence information from several entities to prepare subscription request -0011, infrastructure request -0024, peer to peer -0026**)- receiving and storing information updates regarding users in the set (**stored on server on device as noted in 0009 and 0031**), - receiving a subsequent request for user information from the client(**i.e., user can create various filters customizing presence information 0008-0018**) - retrieving stored user information corresponding to the requested information(**i.e., presence information is automatically queried based on requested criteria 0008-0018**), and - sending a notification to the

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client regarding the retrieved user information, in response to the subsequent user information request (**responses can be automatically sent based on query 0008-0018**).

Consider **claim 2 and as applied to claim 1**, Karlsson teaches wherein the users are mobile users (**e.g., see 26 and 27 of figure 9**).

Consider **claim 3 and as applied to claim 1**, Karlsson teaches the claimed invention characterized in that the user information is presence information on the users (**e.g., see at least 0008**).

Consider **claim 9 and as applied to claim 1**, Karlsson teaches wherein the subsequent request for user information received from the client is limited to a subset of users comprising fewer users than the original set of users (**e.g., predefined categories - 00012-0013**).

Consider **claim 10 and as applied to claim 1**, Karlsson teaches wherein the subsequent request for user information received from the client is limited to one or some types of information of the information included in the subscription (**e.g., see filter types -0012-0013 and 0024**).

Consider **claim 11 and as applied to claim 9**, Karlsson teaches wherein the subset of users and/or types of information is selected by the client (**i.e., the criteria is user defined -0012**).

Consider **claim 12 and as applied to claim 9**, Karlsson teaches wherein that the subset of users and/or types of information is adapted to a service and/or application currently utilized by the client (**e.g., computer software enables request 0018**).

Consider **claim 15 and as applied to claim 1**, Karlsson teaches the subscription request from the client indicates the types of information needed (**e.g., type of presence**

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information -0015).

Consider **claim 18 and as applied to claim 1**, Karlsson teaches wherein the set of users is selected by indicating a predetermined list of users (**e.g., see filtered list noted in 0012-0013**).

Consider **claim 19 and as applied to claim 1**, Karlsson teaches wherein the set of users is selected as an ad hoc list of users (**e.g., peer to peer approach 0025**).

Consider **claims 20 and 28 and as applied to claims 1 and 21**, Karlsson teaches wherein the set of users is selected by adding users to or deleting users from a predetermined list of users (**i.e., a definable list 0014**).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were

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made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims **4-5, 7, 16-17, 22, 24-25** are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlsson et al. US Patent Pub. No.: 2005/0221807 A1, 'Karlsson', hereinafter, in view of Admitted prior art MPEP 2129, 'APA', hereinafter.

Consider **Claims 4 and 22 and as applied to claims 1 and 21**, Karlsson teaches the claimed invention except wherein at least some of the users in the set are connected to other access networks, wherein characterized in that the client access network establishes a network subscription for user information updates with each of the other access networks to which users in the set are connected in response to the received client subscription request.

However, APA teaches wherein at least some of the users in the set are connected to other access networks, wherein characterized in that the client access network establishes a network subscription for user information updates with each of the other access networks to which users in the set are connected, in response to the received client subscription request (**e.g., see Applicant's original disclosure with respect to figure 1**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein at least some of the users in the set are connected to other access networks, wherein characterized in that the client access network establishes a network subscription for user information updates

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with each of the other access networks to which users in the set are connected in response to the received client subscription request for the purpose of providing presence information as taught by APA and Karlsson.

Consider **Claim 5 and as applied to claim 1**, Karlsson as modified by APA teaches wherein several of the users in the set are connected to the same user access network (**e.g., see description with respect to figure 9**) wherein the client access network sends one common subscription request for those users to that user access network, including a list of the users in the set being connected to that network (**e.g., user defined criteria 0012-0013**).

Consider **Claims 7 and 24 and as applied to claims 1 and 21**, Karlsson teaches the claimed invention wherein after establishing the network subscriptions, information is initially received from the access networks on the current states of their respective users(**i.e., based on requested criteria 0008-0018**).

However, Karlsson does not specifically teach other access networks

In analogous art, APA teaches other access networks (**e.g., see Applicant's original disclosure with respect to figure 1**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein after establishing the network subscriptions, information is initially received from the access networks on the current states of their respective users for the purpose of providing presence information as taught by APA and Karlsson. One of ordinary skill in the art would understand or could easily manipulate the order in which the updates are received from access networks

Consider **Claims 8 and 25 and as applied to claims 7 and 24**, Karlsson as modified by APA teaches wherein an initial notification is sent to the client regarding the received user information, before receiving the subsequent user information request (**e.g., automatically pushed based on filter that is already in place 0008-0018**).

Consider **Claim 16 and as applied to claim 1**, Karlsson teaches the claimed invention except wherein the subscription request from the client indicates a time of expiration.

In analogous art, APA teaches wherein the subscription request from the client indicates a time of expiration (**e.g., see Applicant's original disclosure page 4**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein the subscription request from the client indicates a time of expiration for the purpose of providing presence information as taught by APA and Karlsson.

Consider **Claim 17 and as applied to claim 16**, Karlsson teaches the claimed invention except wherein characterized in that the subscription request from the client specifies a minimum time between successive notifications corresponding to the time of expiration.

In analogous art, APA teaches wherein characterized in that the subscription request from the client specifies a minimum time between successive notifications corresponding to the time of expiration (**e.g., see Applicant's original disclosure page 4**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson to include wherein characterized in

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that the subscription request from the client specifies a minimum time between successive notifications corresponding to the time of expiration for the purpose of providing presence information as taught by APA and Karlsson.

5. Claims **6, 13-14, 23, and 26-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Karlsson et al. US Patent Pub. No.: 2005/0221807 A1, 'Karlsson', hereinafter, in view of Admitted prior art MPEP 2129, 'APA', hereinafter and further in view of Bells et al. US Patent Pub. No.: 2004/0116137, 'Bells', hereinafter.

Consider **Claims 6 and 23 and as applied to claims 4 and 21**, Karlsson as modified by APA teaches the claimed invention except wherein information updates are continuously received from the other access networks whenever changes of state are detected for the users in the set impacting the present network subscription.

However, in analogous art, Bell teaches continuous updates of user presence (**e.g., see at least paragraphs 0036 and 0038**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson as modified by APA to include wherein information updates are continuously received from the other access networks whenever changes of state are detected for the users in the set impacting the present network subscription for the purpose of monitoring connectivity and presence information.

Consider **Claims 13 and 26 and as applied to claims 1 and 21**, Karlsson as modified by APA teaches the claimed invention except wherein a subsequent notification is sent to the client indicating only the changes since the previous notification.

However, in analogous art, Bell teaches wherein a subsequent notification is sent to the client indicating only the changes since the previous notification (**e.g., see updates in at least paragraphs 0036 and 0038**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson as modified by APA to include wherein a subsequent notification is sent to the client indicating only the changes since the previous notification for the purpose of monitoring connectivity and presence information.

Consider **Claims 14 and 27 and as applied to claims 1 and 21**, Karlsson as modified by APA teaches the claimed invention except wherein a subsequent notification is sent to the client indicating that nothing has changed since the last notification.

However, in analogous art, Bell teaches wherein a subsequent notification is sent to the client indicating that nothing has changed since the last notification (**e.g., see updates in at least paragraphs 0036 and 0038**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Karlsson as modified by APA to include wherein a subsequent notification is sent to the client indicating that nothing has changed since the last notification for the purpose of monitoring connectivity and presence information.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES SHEDRICK whose telephone number is

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(571)272-8621. The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Charles Shedrick/
Examiner, Art Unit 2617